

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

-
WRIT PETITION NO : 10579 of 2004

Between:

T. Venkanna, S/o. Biksham,
R/o. Qtr. No. 117B, Paloncha, Khammam District.

..... PETITIONER

AND

The A.P. Power Generation Corporation Ltd.,
Rep. by its Chief Engineer (Operations & Maintenance),
KTPS, Paloncha, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the respondent in continuing the petitioner under suspension since 15-12-2001 without finalising the disciplinary proceedings is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to reinstate the petitioner with all consequential benefits by setting aside the Suspension Order Ref No.C.E/C&M/KTPS/ADB/B/D.No. 616/2001, dt. 15-12-2001.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent: SMT.K.SESHARAJYAM

The Court at the admission stage made the following ORDER:

The present writ petition is filed questioning the action of the respondent in continuing the petitioner under suspension since 15-12-2001, which is violation of principles of natural justice.

Normally, this Court will not interfere with the suspension order pending enquiry. During the pendency of the writ petition, the petitioner gave an application to the respondent to vacate the suspension order and reinstate him into the service. The same has to be considered by the respondent as per law.

Learned Counsel appearing for the petitioner also brought to the notice of this Court that after conducting enquiry, Enquiry Officer submitted his report to the Disciplinary Authority and the Disciplinary Authority has to take appropriate decision in the matter.

In view of the above, the writ petition is disposed of directing the Disciplinary Authority to take appropriate decision in the matter as per law within a period of two months from the date of receipt of a copy of this order. In the circumstances, no costs.

9th JULY,2004.

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To

- 1.The Chief Engineer (Operations & Maintenance),
A.P. Power Generation Corporation Ltd.,
KTPS, Paloncha, Khammam District.
2. Two CD copies.